

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZOYA KOVALENKO,) C-22-05990 HSG
)
PLAINTIFF,) OAKLAND, CALIFORNIA
)
VS.) MARCH 7, 2025
)
KIRKLAND & ELLIS LLP, MICHAEL) PAGES 1-17
DE VRIES, MICHAEL W. DEVRIES,)
P.C., ADAM ALPER, ADAM R.) **PAGES 5-9 SEALED**
ALPER, P.C., AKSHAY DEORAS,)
AKSHAY S. DEORAS, P.C., AND)
MARK FAHEY ,)
)
DEFENDANTS.)
_____)

TRANSCRIPT OF ZOOM PROCEEDINGS
BEFORE THE HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: ZOYA KOVALENKO
IN PROPRIA PERSONA
13221 OAKLAND HILLS BOULEVARD, APT. 206
GERMANTOWN, MARYLAND 20874

APPEARANCES CONTINUED ON THE NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

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APPEARANCES (CONTINUED)

FOR THE PLAINTIFF: FILIPPATOS PLLC
 BY: PARISIS G. FILIPPATOS
 TANVIR H. RAHMAN
 199 MAIN STREET, SUITE 800
 WHITE PLAINS, NEW YORK 10601

FOR THE DEFENDANTS: ORRICK, HERRINGTON & SUTCLIFFE
 BY: LYNNE C. HERMLE
 JOSEPH C. LIBURT
 1000 MARSH ROAD
 MENLO PARK, CALIFORNIA 94025

 HENNIG KRAMER LLP
 BY: SAMUEL M. BROWN
 3600 WILSHIRE BOULEVARD, SUITE 1908
 LOS ANGELES, CALIFORNIA 90010

OAKLAND, CALIFORNIA

MARCH 7, 2025

P R O C E E D I N G S

(ZOOM PROCEEDINGS CONVENED AT 2:17 P.M.)

THE CLERK: YOUR HONOR, WE ARE CALLING CV-22-5990,
KOVALENKO VERSUS KIRKLAND & ELLIS LLP.

PLEASE STATE YOUR APPEARANCES FOR THE RECORD, PLEASE.

MR. FILIPPATOS: GOOD AFTERNOON.

GO AHEAD.

MS. KOVALENKO: THANKS.

I'M ZOYA KOVALENKO, THE PLAINTIFF FOR -- REPRESENTING THE
PLAINTIFF.

MR. FILIPPATOS: GOOD AFTERNOON, YOUR HONOR.

PARISIS G. FILIPPATOS ON BEHALF OF THE CROSS-MOVANT.
ALONG WITH ME I HAVE MY PARTNER, TANVIR RAHMAN.

MR. BROWN: GOOD AFTERNOON, YOUR HONOR.

SAM BROWN. I'M LOCAL COUNSEL FOR THE FILIPPATOS FIRM.

MS. HERMLE: GOOD AFTERNOON, YOUR HONOR.

LYNNE HERMLE AND JOE LIBURT FOR ALL DEFENDANTS.

THE COURT: ALL RIGHT. GOOD AFTERNOON TO EVERYONE.

OKAY. WE'VE GOT A NUMBER OF PIECES, AND I'M PREPARED TO
CUT THROUGH THINGS.

THERE'S A MOTION TO TERMINATE COUNSEL, OR ESSENTIALLY FIND
THAT COUNSEL HAS BEEN TERMINATED BY CAUSE -- FOR CAUSE THAT
MS. KOVALENKO HAS FILED; THERE'S A MOTION TO WITHDRAW THAT THE
FILIPPATOS FIRM HAS FILED; AND THEN THERE'S A STIPULATION TO

1 EXTEND DEADLINES THAT I THINK IS INTERRELATED WITH THOSE OTHER
2 TWO ISSUES.

3 SO LET ME DO THIS. I NEED TO HAVE AN EX PARTE DISCUSSION
4 WITH MS. KOVALENKO AND THE PLAINTIFF'S COUNSEL ON THOSE FIRST
5 TWO ITEMS, AND THEN I'LL COME BACK AND WE CAN ALL DISCUSS THE
6 LAST PIECE. SO --

7 THE CLERK: SO THAT'S BROWN AND FILIPPATOS?

8 THE COURT: RIGHT. EVERYONE WILL STAY HERE EXCEPT
9 FOR MS. HERMLE AND MR. LIBURT, AND THEY'LL BE BANISHED BACK TO
10 THE BREAKOUT ROOM FROM WHICH THEY CAME.

11 **(SEALED PROCEEDINGS, PAGES 5-9.)**

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13 ///

1 ///

2 ///

3 (IN OPEN COURT, DEFENSE COUNSEL PRESENT.)

4 THE COURT: ALL RIGHT. I THINK WE HAVE EVERYONE
5 BACK.

6 THE CLERK: WE DO.

7 THE COURT: ALL RIGHT. SO WE JUST HAD AN EX PARTE
8 DISCUSSION WITH THE PLAINTIFF AND COUNSEL, PLAINTIFF'S NOW
9 FORMER COUNSEL.

10 THE MOTION TO WITHDRAW WAS GRANTED WITH RESPECT TO THE
11 FILIPPATOS FIRM AND THE LOCAL COUNSEL FIRM, AND THE MOTION FOR
12 DETERMINATION OF TERMINATION FOR CAUSE WAS DENIED.

13 NOW, I -- THERE WAS A REQUEST, IN ESSENCE, TO EXTEND THE
14 DEADLINES IN THE CASE FOR TWO MONTHS, AND I AM SOMEWHAT
15 DISINCLINED TO DO THAT WITHOUT A VERY GOOD REASON GIVEN THE AGE
16 OF THE CASE.

17 WHAT IS THE BASIS FOR THAT REQUEST?

18 MS. HERMLE: YOUR HONOR, I'LL ADDRESS THAT. IT'S
19 LYNNE HERMLE.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 IF YOUR HONOR IS DISINCLINED TO GIVE US -- WE DIDN'T SEEK
18 TO MOVE THE TRIAL, AS I'M SURE YOU SAW. WE HAVE A VERY FAST
19 APPROACHING EXPERT DATE NEXT WEEK. EVEN IF YOU WERE TO GRANT
20 US 30 DAYS ON THAT AND DISCOVERY, I THINK THAT WOULD BE A HELP
21 TO US.

22 THE COURT: THAT I WOULD CERTAINLY BE WILLING TO DO.
23 SO YOU'RE SAYING JUST TO CONTINUE -- I SEE WHAT YOU'RE SAYING.
24 SO YOUR EXPERT REPORTS WOULD BE DUE ON THE 10TH.

25 MS. HERMLE: YES.

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

MS. KOVALENKO?

9

MS. KOVALENKO: YES, YOUR HONOR.

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

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[REDACTED]

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[REDACTED]

17

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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SO I WOULD RESPECTFULLY REQUEST THE COURT TO RECONSIDER
ITS RULING, ITS DECISION TO NOT RULE ON MY MOTION TO --

THE COURT: NO. NO. DEFINITELY, THAT -- THIS ISN'T
MY PROBLEM. IT'S YOUR PROBLEM. AND, YOU KNOW, YOU AND THE
DEFENSE AND YOUR FORMER COUNSEL ARE GOING TO HAVE TO FIGURE OUT
HOW TO SOLVE THAT PROBLEM, OR YOU CAN PROCEED TO TRIAL.

SO, NO.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 GOES TO THE WHOLE ISSUE. I MEAN, ESSENTIALLY THE BASIS FOR
2 DENIAL OF THE MOTION IS IT'S A COMPLETELY ANCILLARY ISSUE. I
3 HAVE DISCRETION, BUT IT'S NOT --

4 MS. HERMLE: RIGHT.

5 THE COURT: -- THE CORE DISPUTE IN THE LAWSUIT IN
6 FRONT OF ME.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 SO IT SOUNDS LIKE YOU'RE WILLING TO MOVE THE MARCH AND
25 APRIL EXPERT DATES.

1 THE COURT: EXACTLY, AND THEN THE, THE -- WAS THAT
2 EXPERT DISCOVERY CLOSE ON MAY 12TH?

3 MS. HERMLE: IT'S THE CLOSE OF ALL DISCOVERY ON
4 MAY 12TH, YOUR HONOR. SO WE'D ASK FOR ANOTHER MONTH ON THAT IF
5 YOU COULD DO IT, 30 DAYS ON EACH OF THOSE THREE.

6 THE COURT: I WILL.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 SO WHAT I'D BE INCLINED TO DO IS SET A CASE MANAGEMENT
20 CONFERENCE 30 DAYS FROM TODAY.

21 MS. HERMLE: OKAY. SO THAT WOULD BE APRIL 6TH, YOUR
22 HONOR?

23 THE COURT: ACTUALLY, WE'D MAKE IT A TUESDAY, SO
24 WHAT'S THE -- WHAT'S THE FOLLOWING TUESDAY?

25 MS. HERMLE: THE 8TH.

1 THE COURT: YEAH, APRIL 8TH AT 2:00 O'CLOCK.

2 MS. HERMLE: THAT'S FINE FOR DEFENDANTS, YOUR HONOR.

3 MS. KOVALENKO: THAT'S FINE FOR ME AS WELL. THANK
4 YOU.

5 THE COURT: ALL RIGHT. AND THAT'LL BE VIA ZOOM AS
6 WELL.

7 THE CLERK: AND IT'LL BE OUR PUBLIC ZOOM, SO IT WON'T
8 BE THIS ZOOM FEED THAT YOU'RE USING.

9 THE COURT: EXACTLY.

10 MS. HERMLE: GREAT.

11 THE COURT: ALL RIGHT. GOOD LUCK.

12 MS. HERMLE: THANK YOU VERY MUCH, YOUR HONOR. I
13 APPRECIATE IT.

14 THE COURT: YOU'RE WELCOME.

15 MS. KOVALENKO: THANK YOU.

16 (THE PROCEEDINGS WERE CONCLUDED AT 2:39 P.M.)

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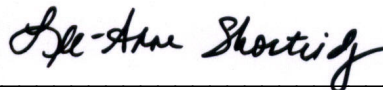
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF ZOOM PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: MARCH 10, 2025